

CUSTODY, PARENTING TIME ("VISITATION") AND CHILD SUPPORT

3

To Change an Existing Court Order

The Court Order
(Forms Packet)



SELF-SERVICE CENTER

TO CHANGE A COURT ORDER FOR CUSTODY AND/OR PARENTING TIME WITH CHILD SUPPORT

PETITIONER AND RESPONDENT

PART 3 -- THE COURT ORDER CHANGING CUSTODY (FORMS ONLY)

This packet contains court forms to file papers for the court order to change child custody and/or parenting time with child support. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRMC8ft	Table of forms in this packet	1
2	DRMC8k	Checklist: <i>You may use these forms if . . .</i>	1
3	DRMC83f	<i>"Order Modifying Custody and Parenting time and Support"</i>	4
4	DRCVG11f	<i>"Parenting Plan"</i>	5
5	DRS82f	<i>"Order of Assignment"</i>	1
6	DRS88f	<i>"Current Employer Information"</i>	1
7	DRSW82f	<i>"Order Stopping Order of Assignment"</i>	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

SELF-SERVICE CENTER

TO CHANGE A COURT ORDER FOR CUSTODY, PARENTING TIME, AND CHILD SUPPORT

CHECKLIST

Use the forms and instructions in this packet **ONLY** if the following factors apply to your situation:

- ✓ You or the other party filed court papers to change custody, parenting time and support.
- ✓ The court case has been served on the other party.
- ✓ The court hearing is set and you want to get the paperwork for the court hearing for the judge to sign.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

Name of Person Filing Paper: _____
 Your Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 ATLAS Number (if applicable): _____
 Attorney Bar Number (if applicable): _____
 Representing ☐ Self (Without a Lawyer) OR
 Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

Name of Petitioner (in original case)

Case Number: _____

ORDER MODIFYING CHILD CUSTODY, PARENTING TIME ("VISITATION") and CHILD SUPPORT

Name of Respondent (in original case)

THE COURT FINDS:

1. This case has come before this court to Change Child Custody, Parenting Time and Child Support. The court has taken all testimony needed to enter a final Order.
2. This court has jurisdiction to modify child custody, parenting time, and support, and has jurisdiction over the parties under the law. Where it has the legal power to do so and where it is applicable to the facts of this case, this court has considered, approved, and made Orders relating to child custody, parenting time and support.
3. This Order applies to these child(ren):

NAME(s) OF CHILD(REN)

BIRTH DATE(s) AND AGE(s)

4. **GROUND(S) FOR CHANGING CUSTODY.** (Check one box and describe why the change is in the best interest of the child(ren).)
☐ The Order being changed was for joint or sole custody. At least one year has passed since the earlier joint or sole custody order was entered. There have been substantial, significant and continuing changes in circumstances that make a change in custody, parenting time and child support in the best interest of the child(ren) for the reasons described below:

Case No. _____

OR

- ☐ The Order being changed was for joint custody. At least six months have passed since the Order was entered. One parent has not followed the Order and a change in custody, parenting time and child support is in the best interest of the child(ren) for the reasons described below.

OR

- ☐ There has been domestic violence, spousal abuse, or child abuse as described below since the date of the earlier Order, and it is in the best interest of the child(ren) that the change is made for the reasons described below: (Include a description of the domestic violence.)

OR

- ☐ Less than one year has passed since the Order was entered. The child(ren)'s current environment may seriously endanger the child(ren)'s physical, mental, moral or emotional health, the child(ren) is/are at risk under the current Order and it is in the best interest of the child(ren) that custody is changed for the reasons described below: (Include a description of the danger and risk here.)

OR

- ☐ It is in the best interest of the child(ren) that no change to custody is made at this time for the reasons described below.

REASONS: (Describe why the custody determination is in the best interest of the child(ren).)

5. **SUPERVISED OR NO PARENTING TIME:** (if applicable) Supervised parenting time between the child(ren) and ☐ Mother or ☐ Father or Other, or no parenting time by ☐ Mother or ☐ Father or ☐ Other is in the best interests of the child(ren) for the following reasons: _____

THE COURT ORDERS:

The Order regarding custody, parenting time, and support dated _____ is changed as follows:

A. CUSTODY AND PARENTING TIME:

- ☐ **Joint Legal Custody.** There have been no significant acts of domestic violence. Mother and Father are hereby awarded joint legal custody of the minor child(ren) subject to ☐ Maricopa County Parent/Child Access Guidelines or ☐ the attached Parenting Plan.

OR

- ☐ **Sole custody** Mother is awarded the sole custody of _____ and/or Father is awarded the sole custody of _____, subject to parenting time as follows:

Case No. _____

1. ☐ **Reasonable parenting time** to the parent who does not have custody according to the Maricopa County Parent/Child Parenting time/Access Guidelines. **(OR)**
2. ☐ **Reasonable parenting time** to the parent who does not have custody according to the Parenting Plan attached. **(OR)**
3. ☐ **Supervised parenting time** but only in the presence of another person, who is named below or otherwise approved by the Court.

Name of supervisor: _____

Restriction on parenting time: _____

The cost of supervised parenting time shall be paid by:

☐ Mother or ☐ Father or ☐ Other - shared equally by the parties. **(OR)**

4. ☐ **No parenting time** rights to ☐ Mother or ☐ Father or ☐ Other.

B. CHILD SUPPORT. ☐ Mother or ☐ Father shall pay child support to the other party in the amount of \$ _____ per month payable on the first day of each month, beginning the first day of month following the signing of this Order. Child Support is based on the information in the **"Child Support Worksheet"** attached hereto and incorporated by reference. All child support payments shall be made through the Clerk of the Superior Court/Clearinghouse, plus an applicable statutory fee by the attached Order of Assignment.

CHILD SUPPORT DEVIATION. The court, having considered the best interests of the child(ren), deviates from the guidelines for the following reasons. (Describe reasons.) _____

C. MEDICAL AND DENTAL INSURANCE, PAYMENTS AND EXPENSES. ☐ Mother or ☐ Father is ordered to provide medical and dental insurance for the minor child(ren). All uninsured medical and dental expenses shall be paid as follows: _____ % by Mother, and _____ % by Father.

D. TAX DEDUCTIONS. Mother shall claim the tax deduction for (names of children) _____
_____ ☐ **every year** or ☐ **every other year**.

Father shall claim the tax deduction for (names of children) _____
_____ ☐ **every year** or ☐ **every other year**.

E. MEDIATION. In the event Mother and Father cannot agree to custody, parenting time, and/or support, the parties are required to seek a private mediator, or court-provided mediator before starting any court actions.

Case No. _____

F. OTHER ORDERS. This court makes further Orders relating to this matter as follows: _____

G. DONE IN OPEN COURT: _____.

JUDGE OR COURT COMMISSIONER

Name of Person Filing Document: _____
 Your Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 ATLAS Number (if applicable): _____
 Attorney Bar Number (if applicable): _____
 Representing ☐ Self (Without Attorney) OR Attorney for ☐ Petitioner ☐ Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

Name of Petitioner

Case Number _____

AND

PARENTING PLAN FOR:
☐ **JOINT CUSTODY WITH JOINT
CUSTODY AGREEMENT**
OR
☐ **SOLE CUSTODY**

Name of Respondent

☐ Mother
☐ Father

INSTRUCTIONS

This document has 3 parts: PART 1) General Information; PART 2) Custody and Parenting Time; PART 3) Joint Custody Agreement.

One or both parents must complete and sign the Plan as follows:

- a. If both parents agree to joint custody: Both parents must sign the Plan at the end of PART 2 and at the end of PART 3;
- b. If both parents agree to custody and parenting time arrangements but not to joint custody: Both parents must sign the Plan at the end of PART 2;
- c. If only one parent is submitting the Plan: That parent must sign at the end of PART 2

PART 1: GENERAL INFORMATION:

A. CHILDREN. This Plan concerns the following children: (Use additional paper if necessary)

- B. CUSTODY ARRANGEMENTS REQUESTED IN THIS PLAN:** The following custody arrangement is requested: (Check the box(es) that apply.)
- ☐ **JOINT LEGAL CUSTODY DETERMINATION DEFERRED:** The parent's request for joint legal custody is deferred to the court for determination. **OR,**
- ☐ **JOINT LEGAL CUSTODY AGREEMENT:** The parents agree to joint legal custody and request the court to approve the joint legal custody arrangement as described in this Plan, **OR**
- ☐ Mother or ☐ Father will be the primary custodial parent
- ☐ **SOLE LEGAL CUSTODY AGREEMENT:** The parents agree that ☐ Mother or ☐ Father will be the parent with sole legal custody and shall be the primary custodial parent. The parents agree that since each has a unique contribution to offer to the growth and development of their child(ren), each of them will continue to have a full and active role in providing a sound moral, social, economic, and educational environment for the benefit of the child(ren), as described in the following pages. **OR,**
- ☐ **SOLE LEGAL CUSTODY REQUESTED BY THE PARENT SUBMITTING THIS PLAN:** The parents cannot agree to the terms of custody and parenting time. The parent submitting this Plan asks the court to order custody and parenting time according to this Plan.
- ☐ **RESTRICTED, SUPERVISED, OR NO PARENTING TIME:** The parent submitting this Plan asks the court for an order restricting parenting time. The facts and information related to this request are described in the Petition.

PART 2: CUSTODY AND PARENTING TIME. Complete each section below. Be specific about what you want the judge to approve in the court order.

- A. WEEKDAY AND WEEKEND SCHEDULE:** The time-sharing schedule will be as follows:
- ☐ The children will be in the care of Father as follows: (Explain).
-
- ☐ The children will be in the care of Mother as follows: (Explain).
-
- ☐ Other custody arrangements are as follows: (Explain).
-
- ☐ Transportation will be provided as follows:
- ☐ Mother or ☐ Father will pick the children up at _____ o'clock.
- ☐ Mother or ☐ Father will drop the children off at _____ o'clock.
- Parents may change their time-share arrangements by mutual agreement with at least ____ days notice in advance to the other parent.
- B. SUMMER MONTHS OR SCHOOL BREAK LONGER THAN 4 DAYS:** The weekday and weekend schedule described above will apply for all 12 calendar months **EXCEPT:**
- ☐ During summer months or school breaks that last longer than 4 days, no changes shall be made. **OR,**
- ☐ During summer months or school breaks that last longer than 4 days, the child(ren) will be in the care of Father: (Explain.)
-
- ☐ During summer months or school breaks that last longer than 4 days, the child(ren) will be in the care of Mother: (Explain.)
-
- ☐ Each parent is entitled to a ____ week period of vacation time with the child(ren). The parents will work out the details of the vacation at least ____ days in advance.

- ☐ Should either parent travel out of the area with the child(ren), each parent will keep the other parent informed of travel plans, address(es), and telephone number(s) at which that parent and the child(ren) can be reached.
- ☐ Neither parent shall travel with the child(ren) outside Arizona for longer than _____ days without the prior written consent of the other parent or order of the court.

C. HOLIDAY SCHEDULE: The holiday schedule takes priority over the regular time-sharing schedule as described above. Check the box(es) that apply and indicate the years of the holiday access/Parenting time schedule.

Holiday		Even Years		Odd Years	
<input type="checkbox"/>	New Year's Eve	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	New Year's Day	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	Spring Vacation	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	Easter	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	4th of July	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	Halloween	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	Veteran's Day	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	Thanksgiving	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	Hanukkah	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	Christmas Eve	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	Christmas Day	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	Winter Break	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	Child's Birthday	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father
<input type="checkbox"/>	Mother's Day will be celebrated with the Mother every year				
<input type="checkbox"/>	Father's Day will be celebrated with the Father every year.				
<input type="checkbox"/>	Each parent may have the child(ren) on his or her birthday.				
<input type="checkbox"/>	Three-day weekends which include Martin Luther King Day, Presidents' Day, Memorial Day, Labor Day, Columbus Day, the children will remain in the care of the parent who has the child(ren) for the weekend.				
<input type="checkbox"/>	Other Holidays (Describe the other holidays and the arrangement.)				

- ☐ Each parent may have telephone contact with the child(ren) during the child(ren)'s normal waking hours
- ☐ Other (Explain)

D. PARENTAL ACCESS TO RECORDS AND INFORMATION: Under Arizona law (A.R.S. §25-403), unless otherwise provided by court order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the child(ren)'s education and physical, mental, moral and emotional health including medical, school, police, court and other records. A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request. A parent who attempts to restrict the release of documents or information by the custodian of the records without a prior court order is subject to legal sanctions.

E. EDUCATIONAL ARRANGEMENTS:

- ☐ Both parents have the right to participate in school conferences, events and activities, and the right to consult with teachers and other school personnel.
- ☐ Both parents will make major educational decisions together. If the parents do not reach an agreement, then the final decision making regarding educational decisions shall be with
☐ Mother OR ☐ Father after consultation with _____

F. MEDICAL AND DENTAL ARRANGEMENTS:

- ☐ Both parents have the right to authorize emergency medical treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other parent immediately of any emergency medical/dental care sought for the child(ren), to cooperate on health matters concerning the child(ren) and to keep one another reasonably informed. Both parents agree to keep each other informed as to names, addresses and telephone numbers of all medical/dental care providers.
- ☐ Both parents will make major medical decisions together, except for emergency situations as noted above. If the parents do not agree, then the final decision regarding medical issues will be with:
☐ Mother OR ☐ Father after consultation with _____

G. RELIGIOUS EDUCATION ARRANGEMENTS:

- ☐ Each parent may take the child(ren) to a church or place of worship of his or her choice during the time that the child(ren) is/are in his or her care.
- ☐ Both parents agree that the child(ren) may be instructed in the _____ faith.
- ☐ Both parents agree that religious arrangements are not applicable to this plan.

H. ADDITIONAL ARRANGEMENTS AND COMMENTS:

- ☐ **NOTIFY OTHER PARENT OF ADDRESS CHANGE.** Each parent will inform the other parent of any change of address and/or phone number in advance **OR** within _____ days of the change.
- ☐ **NOTIFY OTHER PARENT OF EMERGENCY.** Both parents agree that each parent will promptly inform the other parent of any emergency or other important event that involves the child(ren)
- ☐ **TALK TO OTHER PARENT ABOUT EXTRA ACTIVITIES.** Each parent will consult and agree with the other parent regarding any extra activity that affects the child(ren)'s access to the other parent.
- ☐ **ASK OTHER PARENT IF HE/SHE WANTS TO TAKE CARE OF CHILD(REN).** Each parent agrees to consider the other parent as care-provider for the child(ren) before making other arrangements.
- ☐ **OBTAIN WRITTEN CONSENT BEFORE MOVING.** Neither parent will move with the child(ren) out of the Phoenix metropolitan area without prior written consent of the other parent, or a court ordered Parenting Plan.
- ☐ **COMMUNICATE.** Each parent agrees that all communications regarding the child(ren) will be between the parents and that they will **not** use the child(ren) to convey information or to set up parenting time changes.
- ☐ **PRAISE OTHER PARENT.** Each parent agrees to encourage love and respect between the child(ren) and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the child(ren)

- ☐ **COOPERATE AND WORK TOGETHER.** Both parents agree to exert their best efforts to work cooperatively in future plans consistent with the best interests of the child(ren) and to amicably resolve such disputes as may arise.
- ☐ **PARENTING PLAN.** Both parents agree that if either parent moves out of the area and returns later, they will use the most recent ***"Parenting Plan/Access Agreement"*** in place before the move **or** the minimum Maricopa County Access Guidelines until other arrangements can be worked out.
- ☐ **NOTIFY OTHER PARENT OF PROBLEMS WITH TIME-SHARING AHEAD OF TIME.** If either parent is unable to follow through with the time-sharing arrangements involving the child(ren), that parent will notify the other parent as soon as possible.
- ☐ **MEDIATION.** If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they may request mediation through the court or a private mediator of their choice
- ☐ **DO NOT DEVIATE FROM PLAN UNTIL DISPUTE IS RESOLVED.** Both parents are advised that while a dispute is being resolved, neither parent shall deviate from this Parenting Plan, or act in such a way that is inconsistent with the terms of this agreement.

NOTICE TO PARENTS: Once this Plan has been made an order of the court, if either parent disobeys the court order related to parenting time with the child(ren), the other parent may submit court papers to Expedited Parenting Time Services for possible enforcement. See the Self-Service Center materials for help.

I. SIGNATURE OF BOTH PARTIES

Signature of Mother: _____ Date: _____
 Signature of Father: _____ Date: _____

PART 3: JOINT CUSTODY AGREEMENT (IF APPLICABLE):

- A.** ☐ **JOINT CUSTODY AGREEMENT:** If the parents have agreed to joint custody, the following will apply, subject to approval by the judge:
- 1. REVIEW PARENTING PLAN.** The parents agree to review the terms of the joint custody agreement and make any necessary or desired changes every _____ months from the date of this document.
 - 2. CRITERIA.** Our joint custody agreement meets the criteria required by Arizona law (A.R.S. §25-403)
 - a.** The best interests of the child(ren) are served;
 - b.** Each parent's rights and responsibilities for personal care of the child(ren) and for decisions in education, health care and religious training are designated in this Plan;
 - c.** A schedule of the physical residence of the child(ren), including holidays and school vacations is included in the Plan;
 - d.** The Plan includes a procedure for periodic review;
 - e.** The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved
 - f.** The parties understand that joint custody does not necessarily mean equal parenting time.

B. SIGNATURE OF BOTH PARENTS REQUESTING JOINT CUSTODY

Signature of Mother: _____ Date: _____
 Signature of Father: _____ Date: _____

THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(1) _____)
 Petitioner)
 vs.)
 (2) _____)
 Respondent)

(3) Case Number: _____

(4) ATLAS Number: _____

ORDER OF ASSIGNMENT

TO: Current and future employers or other payors of:

(5) Name: _____ SSN: _____

This order modifies and replaces any previous "Order of Assignment" with the same case number. You shall withhold court-ordered payments as follows:

Current Child Support	\$ _____
Current Spousal Maintenance/Support	\$ _____
Payments on Arrears / Interest	\$ _____
Clearinghouse Handling Fee	\$ _____ 2.25 per month*
TOTAL AMOUNT per month	\$ _____, but no more than

50% of disposable earnings (A.R.S. § 33-1131). *The Clearinghouse handling fee is set by statute and subject to change (A.R.S. § 25-510).

This **"Order of Assignment"** is effective immediately upon receipt by an employer or other payor, including self-employed persons, and continues until further Order, or until a period of 90 continuous days from the last payment to the Obligor. If you are again obligated to pay monies to the Obligor within 90 days, you are again bound by **this "Order of Assignment."** Payment must be sent to the Support Payment Clearinghouse within two (2) business days of the date the monies were withheld.

This Order of Assignment terminates on the last day of _____, _____ unless it includes an arrearage payment, in which case the total amount listed above shall continue to be withheld until further order.

You shall NOT discharge or otherwise discipline the person named in this assignment, because of service of this "Order of Assignment."

The above ATLAS number and employee's name **must** appear on the *Transmittal Form or check*. Make payments payable and send to:

Support Payment Clearinghouse, P.O. Box 52107, Phoenix, AZ 85072-2107

Dated this _____ day of _____, 20____.

 Judicial Officer or Clerk of Superior Court

CURRENT EMPLOYER INFORMATION

You may also fill out this form online at the Family Support Center Website at:
<http://www.familysupportcenter.maricopa.gov>

THIS FORM MUST BE COMPLETED FOR:

- ☐ **AN ORDER OF ASSIGNMENT (STAPLE TO THE ORDER OF ASSIGNMENT)**
- ☐ **ORDER TO STOP AN ORDER OF ASSIGNMENT (STAPLE TO THE STOP ORDER)**
- ☐ **NOTIFICATION OF A CHANGE OF EMPLOYER**

CASE NUMBER: _____

ATLAS NUMBER: _____

PAYOR NAME: _____
(PERSON TO MAKE PAYMENTS)

LIST ONLY THE EMPLOYER'S NAME AND PAYROLL ADDRESS WHERE THE ORDER OF ASSIGNMENT OR STOP ORDER SHOULD BE MAILED.

CURRENT EMPLOYER NAME: _____

PAYROLL ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

EMPLOYER TELEPHONE: _____

EMPLOYER FAX: _____

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID:	_____
TYPE OF W/A	_____
DATE	_____
AMOUNT OF ORDER	_____
EMPLOYER STATUS	_____
ENTERED BY	_____
NEW W/A	_____
AG	_____
	SUB _____
	DCSE _____

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(1) _____ (3) Case No. _____
 Petitioner (in original case)

(2) _____ ATLAS No. _____
 Respondent (in original case)

**ORDER STOPPING
 ORDER of ASSIGNMENT**
 A.R.S. § 25-504

To the employer(s) or other payor(s) of:

(4) Name: _____ SSN : _____

DO NOT WRITE BELOW THIS LINE. COURT PERSONNEL WILL COMPLETE THE FORM.

This Order stops the Order of Assignment dated _____, with the same case number as in (3) above. The employer(s) or other payor(s) is/are ordered to stop withholding monies pursuant to the Order of Assignment:

- ☐ Immediately or
☐ Effective (date) _____ or
☐ After you withhold and send \$_____ to the Support Payment Clearinghouse.

The Support Payment Clearinghouse is ordered to release any monies currently in its possession and future monies received: (Check **one** box only)

- ☐ To the **obligee** in total
☐ To the **obligee** in the amount of \$_____ and the remainder and any future payments to the obligor .
☐ To the **obligor** in total
☐ Other:

Dated: _____

 Judicial Officer or Clerk of the Superior Court